

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

APPLE INC.,

Plaintiff,

v.

MASIMO CORPORATION and
SOUND UNITED, LLC,

Defendants.

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APPLE INC.,

Plaintiff,

v.

MASIMO CORPORATION and
SOUND UNITED, LLC,

Defendants.

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C.A. No. 22-1377-MN-JLH

JURY TRIAL DEMANDED

C.A. No. 22-1378-MN-JLH

JURY TRIAL DEMANDED

**JOINT LETTER TO JUDGE HALL REGARDING
SEPTEMBER 14, 2023 DISCOVERY DISPUTE CONFERENCE**

David E. Moore (#3983)
Bindu A. Palapura (#5370)
Andrew L. Brown (#6766)
POTTER ANDERSON & CORROON LLP
Hercules Plaza, 6th Floor
1313 N. Market Street
Wilmington, DE 19801
Tel: (302) 984-6000
dmoore@potteranderson.com
bpalapura@potteranderson.com
abrown@potteranderson.com

*Attorneys for Plaintiff/Counter-Defendant
Apple Inc.*

Dated: September 13, 2023
11054443/12209.00051

John C. Phillips, Jr. (#110)
Megan C. Haney (#5016)
PHILLIPS MCLAUGHLIN & HALL, P.A.
1200 North Broom Street
Wilmington, DE 19806
Tel: (302) 655-4200
jcp@pmhdelaw.com
mch@pmhdelaw.com

*Attorneys for Defendants Masimo Corporation
and Sound United, LLC and Counter-
Claimant Cercacor Laboratories, Inc.*

Re: Apple Inc. v. Masimo Corporation, et al, C.A. Nos. 22-1377/1378-MN-JLH

Dear Judge Hall:

The Parties jointly submit this letter to report that they have resolved the following two disputes set to be heard at tomorrow's hearing:

1. Issue #1 in Apple's Sept. 6, 2023 Letter Brief (C.A. No. 22-1377, DI 296; C.A. No. 22-1378, D.I. 319): "The Court Should Order Masimo To Produce Email Responsive To Apple's Revised Search Terms". Masimo has agreed to produce emails in response to Apple's revised terms, beginning on September 14, 2023 and continuing on a rolling basis until complete by October 5, 2023.
2. Issue #1 in Masimo's Sept. 6, 2023 Letter Brief (C.A. No. 22-1377, DI 295; C.A. No. 22-1378, D.I. 318): "Apple Is Improperly Refusing To Provide Discovery On Accused Apple Watches". Based on its investigation regarding document availability, Apple has agreed to use diligent efforts to complete its document production relating to Apple Watch Series 9 and Ultra 2 by September 30, 2023.

The Parties appreciate the Court's assistance with this matter.

Respectfully,

/s/ David E. Moore

David E. Moore

DEM:nmt/11054443/12209.00051

cc: Clerk of Court (via hand delivery)
Counsel of Record (via electronic mail)